REMARKS

In response to the Office Action dated January 11, 2007, Applicants respectfully request reconsideration. Each of the issues raised in the Office Action is addressed herein. Claims 4, 6 and 27 have been amended to address rejections under 35 U.S.C. §112, as discussed in further detail below. No other claims have been amended. The application as currently presented is believed to be in allowable condition.

I. Information Disclosure Statement

On page 2, the Office Action indicates that the information disclosure statement (IDS) filed December 6, 2004 allegedly fails to comply with the provisions of 37 C.F.R. 1.97, 1.98 and MPEP §609. Applicants respectfully disagree. As indicated on page 14 of the Form PTO-1449 accompanying this IDS, all of the references cited were previously cited and submitted to the office in a prior application, Serial No. 10/325,635, filed December 19, 2002, which is relied upon in the present application for an earlier filing date under 35 U.S.C. §120. As such, Applicants respectfully submit that the December 6, 2004 IDS complies with all relevant provisions of 37 C.F.R. 1.97 and 1.98.

The Office Action also notes that "a number or [sic] references that was [sic] cited by the applicant has [sic] effective filing dates after the effective priority date of the instant application," and "the relevancy of cited prior art was discussed in the specification." Applicants are unclear as to the significance of these statements. In any case, Applicants point out that pursuant to MPEP §609 there is no requirement that the information cited in an IDS must be prior art references in order to be considered by the Examiner. Once the minimum requirements of 37 C.F.R. 1.97 and 1.98 are met, the Examiner has an obligation to consider the cited information (emphasis added). Consideration by the Examiner of the information submitted in an IDS means nothing more than considering the documents in the same manner as other documents in Office search files are considered by the Examiner while conducting a search of the prior art in a proper field of search.

In view of the foregoing, Applicants respectfully request that the December 6, 2004 IDS be fully considered by the Examiner.

II. Rejections Under 35 U.S.C. §112

Claims 1, 4, 6, 12-17, 22, 27 and 34-39 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite.

Claim 4 has been amended to clearly narrow the step of "disposing" recited in method claim 1, from which claim 4 depends. Thus, Applicants respectfully submit that there is no ambiguity in the subject matter of claim 4 with respect to claim 1.

Claims 6 and 27 have been amended to delete the recitation of "water," to address the inconsistency noted by the Examiner with respect to independent claims 1 and 22 (from which claims 6 and 27 respectively depend).

Regarding the recitation of "data" in claims 13-15, 17, 34-36 and 38, Applicants respectfully point out that the specification discloses a number of examples of claimed data at least on page 3, line 24, on page 11, lines 3-14 and on page 17, lines 18-21. In particular, the specification makes clear, on page 11, lines 3-14, that:

> One use of a light system 100 in connection with a container 200, or bottom 300, 400 or 900, or in connection with any other disposable product or product with limited useful life, is as an indicator of a condition of the product. The light system 100 can be coupled with a sensor for sensing a condition of the product, or with a timer for measuring time, or the like. For example a light system can illuminate when a chemical product is no longer working well, such as an odor control chemical. A light system 100 can illuminate in a certain way when a product has reached a certain age. A light system 100 can illuminate in a certain way when a container is nearly empty. Thus, a light system 100 can be used to provide information to a consumer using a product, such as a household product, about the condition of the product itself. A wide range of product characteristics can be measured and indicated by light systems 100 under the control of a processor 104.

Thus, exemplary information represented by the data regarding product characteristics is clearly set forth in both the specification and the claims (e.g., freshness of product, efficacy of product).

Applicants respectfully point out that claims 16, 37 and 39 do not recite "data."

In view of the foregoing, the rejections of claims 1, 4, 6, 12-17, 22, 27 and 34-39 under 35 U.S.C. §112, second paragraph, should be withdrawn.

III. Rejections Under 35 U.S.C. §103

Claims 1, 4, 6, 19-22, 25, 27, 40-42, 121, 122, 125, 126, 129, 131 were rejected under 35 U.S.C. §103(a) as being allegedly obvious over Galavan (U.S. Patent No. 1,389,132) in view of Mueller et al. (U.S. Patent No. 6,781,329). Claims 8-11, 29-32, 130 were rejected under 35 U.S.C. §103(a) as being allegedly obvious over Dougherty (U.S. Patent No. 4,515,295) in view of Mueller et al. Applicants respectfully traverse these rejections.

Applicants note that both Mueller et al. and the present application were, at the time the claimed invention was made, owned by or subject to an obligation of assignment to Color Kinetics Incorporated. Furthermore, Mueller et al. qualifies as prior art only under 35 U.S.C. §102(e), being filed on October 25, 2001, published as US-2002-0171377 on November 21, 2002, and issued on August 24, 2004, whereas the present application claims the benefit, under 35 U.S.C. §119(e), of U.S. provisional applications serial no. 60/408,309, filed September 5, 2002, and serial no. 60/452,767, filed March 7, 2003. The present application also claims the benefit, under 35 U.S.C. §120, as a continuation-in-part (CIP) of the following U.S. Non-provisional Applications: Serial No. 10/245,786, filed September 17, 2002, which in turn claims the benefit of U.S. provisional application Serial No. 60/353,569 filed February 1, 2002; and Serial No. 10/325,635, filed December 19, 2002, which is a continuation-in-part of Serial No. 09/716,819, filed November 20, 2000, which in turn claims priority to U.S. provisional application Serial No. 60/235,678, filed September 27, 2000.

35 U.S.C. §103(c)(1) states:

> Subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the claimed invention was made, owned by the same person or subject to an obligation of assignment to the same person.

Accordingly, the rejections under 35 U.S.C. §103(a) relying on Mueller et al. are improper and should be withdrawn.

IV. Conclusion

It is respectfully believed that all of the rejections, objections, or comments set forth in the Office Action have been addressed. However, the absence of a reply to a specific rejection, objection, or comment set forth in the Office Action does not signify agreement with or concession of that rejection, objection, or comment. In addition, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Furthermore, nothing in this paper should be construed as intent to concede any issue with regard to any claim.

In view of the foregoing amendments and remarks, this application should now be in condition for allowance. A notice to this effect is respectfully requested. If the Examiner believes after this amendment that the application is not in condition for allowance, the Examiner is requested to call the Applicants' representative at the telephone number indicated below to discuss any outstanding issues.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicants hereby request any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, please charge any deficiency to Deposit Account No. 23/2825.

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Respectfully submitted,

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